

## **Hot Issue / Briefing Paper**

### **Mountaire Farms DE Contamination of Groundwater with Excess Nitrate**

**Date: January 18, 2018**

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#### **Issue/Topic:**

On November 2, 2017 DNREC issued Notice of Violation W-17-GWD-13 (attached) to the Mountaire Farms facility in Millsboro, Delaware for numerous violations of their spray irrigation permit. DNREC NOV violation #8 places Mountaire Farms in violation of the existing EPA 1431 Order on Consent, SDWA-03-2003-0015 Paragraph 38 (attached). In December DNREC initiated a program of sampling in the area to identify possibly affected residential drinking water wells. The first series of sampling included 17 homes and identified 14 homes with levels over the Nitrate MCL. DNREC initially estimated approximately 40 to 60 homes would need sampling. To date Mountaire has providing a contractor to continue sampling of residences and providing bottled water. Mountaire has reached out to 88 homeowners in the area offering to drill new deeper drinking water wells.

#### **Background:**

Most residential wells in the area are shallow in nature and are easily contaminated by overloaded Nitrate levels from spray irrigation. In 2003 EPA issued the above referenced Order and identified 11 residences (map attached) that were affected by Mountaire's spray irrigation practices at the time. That Order is still valid and Mountaire has provided either bottled water or Point of Entry treatment devices to those residences. As of this date 7 residences remain under that Order the other 4 homes were demolished or designated not to be used as residences.

#### **Direction/Decision:**

# **Deliberative Process / Ex. 5**

**Political Interest (local/state/federal/tribal):**

EPA has recently received two FOIA requests regarding the EPA 2003 1431 Order on Consent. There is significant local press interest. Two public meetings have been held. A civil suit is being investigated by residents. DNREC has expressed desire to work cooperatively with EPA. Delaware Department of Justice is looking at pursuing a criminal complaint against Mountaire Farms.

**Follow-up:**

We have been having periodic conversations with DNREC and earlier this week they have agreed to work cooperatively with EPA to have Mountaire Farms supply a permanent alternate source of drinking water for the affected residents. A meeting between DNREC and EPA is being scheduled for the last week of January.

**Attachments:**

**DREC November 2, 2017 NOV to Mountaire Farms**

**EPA 2003 1431 Order on Consent**

**Original map of affected homes that were supplied alternate drinking water**

**DNREC map of area they are investigating for contamination**